

SENATE BILL NO. 237

INTRODUCED BY LEWIS, COONEY, MCALPIN, MACDONALD, EBINGER, K. PETERSON, FUREY,
DRISCOLL, SANDS, A. NOONAN, COHENOUR, HENDRICK, O'HARA, FRENCH, BRANAE, JUNEAU

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO THE USE OF SEATBELTS AND
CHILD SAFETY RESTRAINTS; ELIMINATING THE SECONDARY ENFORCEMENT RESTRICTION FOR
RESTRAINT VIOLATIONS; AMENDING SECTIONS 61-5-106, 61-5-133, 61-13-101, 61-13-102, 61-13-103, AND
61-13-105, MCA; REPEALING SECTIONS 61-9-419, 61-9-420, 61-9-421, 61-9-422, AND 61-9-423, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Montana spends \$36.7 million each year on direct health care costs for patients who were
unbelted and injured in motor vehicle crashes; and

WHEREAS, uninsured and Medicaid-covered unbelted occupants cost the state of Montana over \$14
million annually for hospital care of their preventable injuries; and

WHEREAS, unbelted occupants are more likely than belted occupants to require hospitalization following
a motor vehicle crash, with an average cost of \$52,993; and

WHEREAS, the average unbelted occupant has a longer hospital stay, requires more intensive care, and
has hospital charges that are \$16,573 higher than a belted occupant who is hospitalized; and

WHEREAS, Montana is the only state in which the child restraint law can only be enforced secondary
to some other traffic violation; and

WHEREAS, Montana will receive an additional \$4.8 million in federal funds for highway construction and
safety programs if a primary enforcement seatbelt law is enacted.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-5-106, MCA, is amended to read:

**"61-5-106. Instruction permits -- traffic education learner licenses and permits -- temporary
licenses.** (1) (a) The department may issue an instruction permit, which is valid for 1 year from the date of
issuance, to a person satisfying the age requirements specified in 61-5-105(1) after the applicant has successfully
passed the knowledge test and the vision examination, as provided in 61-5-110. Except as provided in

1 subsections (1)(b) and (1)(c), an instruction permit entitles the permitholder, while in immediate possession of
2 the permit and accompanied by a licensed driver seated beside the permitholder, to drive a motor vehicle other
3 than a motorcycle upon the public highways.

4 (b) If the permitholder is under 18 years of age, the driver supervising the permitholder must be a parent
5 or a legal guardian of the permitholder or, with the permission of the permitholder's parent or legal guardian, a
6 licensed driver 18 years of age or older. Each occupant of a ~~motor passenger~~ vehicle, as defined in 61-13-102,
7 driven by a permitholder who is under 18 years of age ~~shall wear a properly adjusted and fastened seatbelt or,~~
8 ~~if 61-9-420 applies,~~ must be properly restrained in a child safety restraint as required under 61-13-103.

9 (c) A person holding an instruction permit for a motorcycle may drive a motorcycle upon a public highway
10 if the person is not carrying a passenger, has immediate possession of the permit, and is under the immediate
11 and proximate visual supervision of one of the following persons, who must be at least 18 years of age if the
12 permitholder is under 18 years of age:

13 (i) a motorcycle-endorsed licensed driver who is riding with the permitholder and who is operating a
14 separate motorcycle or other motor vehicle; or

15 (ii) a licensed driver who is operating a separate motor vehicle if the permitholder has successfully
16 completed a motorcycle safety training course through a cooperative driver testing program certified under
17 61-5-110.

18 (2) The department may issue a traffic education learner license, which is valid for 1 year from the date
19 of issuance, to any person who is at least 14 1/2 years of age and who has successfully completed or is
20 successfully participating in a traffic education course approved by the department and the superintendent of
21 public instruction and that is available to all who meet the age requirements specified in 20-7-503 and reside
22 within the geographical boundaries of or attend a school in the school district that offers the course. A traffic
23 education learner license entitles the licensee to operate a motor vehicle only when accompanied by an approved
24 instructor or licensed parent or guardian and may be restricted to specific times or areas.

25 (3) (a) An instructor of a traffic education program approved by the department and by the superintendent
26 of public instruction may issue a traffic education permit that is effective for a school year or more restricted period
27 to an applicant who is enrolled in a traffic education program approved by the department and who meets the age
28 requirements specified in 20-7-503.

29 (b) When in immediate possession of the traffic education permit, the permittee may operate on a
30 designated highway or within a designated area:

1 (i) a motor vehicle when an approved instructor is seated beside the permittee; or
2 (ii) a motorcycle or quadricycle when under the immediate and proximate supervision of an approved
3 instructor.

4 (4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's
5 license permitting the applicant to operate a motor vehicle while the department is completing its investigation
6 and determination of all facts relative to the applicant's right to receive a driver's license. The temporary driver's
7 permit must be in the permittee's immediate possession while operating a motor vehicle, and it is invalid when
8 the applicant's license has been issued or for good cause has been refused.

9 (5) The department may in its discretion issue a temporary commercial driver's license to an applicant
10 permitting the applicant to operate a commercial motor vehicle while the department is completing its investigation
11 and determination of all facts relative to the applicant's right to receive a commercial driver's license. The
12 temporary license must be in the applicant's immediate possession while operating a commercial motor vehicle
13 and is invalid when the applicant's license has been issued or for good cause has been refused.

14 (6) The department may in its discretion issue a temporary medical assessment and rehabilitation driving
15 permit, as provided in 61-5-120."
16

17 **Section 2.** Section 61-5-133, MCA, is amended to read:

18 **"61-5-133. First year restrictions on driver's license issued to minor.** (1) A driver's license issued
19 to a person who is under 18 years of age is subject to the following restrictions for 1 year from the date of
20 issuance of the license or until the person is 18 years of age, whichever occurs first:

21 (a) A restricted licensee may not operate a ~~motor passenger vehicle, required by 61-9-409 to be~~
22 ~~equipped with seatbelts, unless each occupant of the motor passenger vehicle is wearing a seatbelt, as defined~~
23 ~~in 61-13-102, or is properly restrained; as required under 61-9-420 61-13-103.~~ The number of ~~motor vehicle~~
24 occupants may not exceed the number of seatbelts with which the ~~motor~~ vehicle is equipped.

25 (b) A restricted licensee may not operate a motor vehicle between the hours of 11 p.m. and 5 a.m. unless
26 the restricted licensee is:

27 (i) accompanied by a licensed driver who is 18 years of age or older or, if the restricted licensee is
28 operating a motorcycle, the restricted licensee is under the immediate and proximate visual supervision of a
29 licensed driver who is 18 years of age or older and who is riding with the licensee and is operating a separate
30 motorcycle or other motor vehicle;

(ii) driving to the restricted licensee's place of employment from the restricted licensee's residence, is returning to the restricted licensee's residence from the restricted licensee's place of employment, or is driving in the course and scope of employment;

(iii) driving from the restricted licensee's residence to a school-sponsored event at a school attended by the restricted licensee, including any site for school-provided transportation to and from the event, or is returning from the event or site to the restricted licensee's residence;

(iv) driving from the restricted licensee's residence to an event sponsored by a religious organization or is returning from the event to the restricted licensee's residence;

(v) driving for a purpose related to a medical emergency, fire emergency, or law enforcement-related emergency;

(vi) driving for the sole purpose of transporting farm or ranch products, machinery, or supplies within 150 miles of a farm or ranch headquarters;

(vii) an emancipated minor; or

(viii) driving under a specific authorization for a specific purpose from the restricted licensee's parent or legal guardian. A peace officer may verify the authorization by contacting the parent or legal guardian.

(c) (i) For the first 6 months of the 1-year restriction period, a restricted licensee may not operate a motor vehicle with more than one passenger who is under 18 years of age unless:

(A) the restricted licensee is supervised by a licensed driver who is at least 18 years of age; or

(B) the additional passengers under 18 years of age are members of the restricted licensee's family.

(ii) For the second 6 months of the 1-year restriction period, a restricted licensee may not operate a motor vehicle with more than three passengers who are under 18 years of age unless:

(A) the restricted licensee is supervised by a licensed driver who is at least 18 years of age; or

(B) the additional passengers under 18 years of age are members of the licensee's family.

(iii) For the first 6 months of the 1-year restriction period, a restricted licensee may not operate a motorcycle with a passenger who is under 18 years of age.

(2) For purposes of this section, the term "restricted licensee" includes a person under 18 years of age who holds a motorcycle-only endorsement issued by the department and the term "motor vehicle" includes a motorcycle, except when otherwise noted."

Section 3. Section 61-13-101, MCA, is amended to read:

1 **"61-13-101. Short title.** This part may be cited as the "Montana ~~Seatbelt Use~~ Passenger Vehicle
2 Occupant Restraint Act". "

3
4 **Section 4.** Section 61-13-102, MCA, is amended to read:

5 **"61-13-102. Definitions.** As used in this part, the following definitions apply:

6 (1) "Appropriate use", as applied to a child safety restraint, means the use of a child safety restraint
7 suitable to the age, weight, and height of the child being transported.

8 (2) "Child safety restraint" means a seating system, other than a seatbelt alone, that:

9 (a) is specifically designed for use in a motor vehicle or aircraft;

10 (b) is either permanently affixed to the vehicle or is affixed to the vehicle by a seat belt or a set of
11 anchorage originally installed by the vehicle manufacturer to restrain, seat, or position a child; and

12 (c) conforms to the requirements of federal motor vehicle safety standards as evidenced by the
13 manufacturer's label affixed to the restraint.

14 (4)(3) "Department" means the department of justice transportation.

15 (2) "Highway" means the entire width between the boundary lines of each publicly maintained way when
16 any part thereof is open to public use for vehicular travel.

17 ~~—— (3) "Motor vehicle" means a vehicle propelled by its own power and designed primarily to transport~~
18 ~~persons or property upon the highways of the state.~~

19 (4) ~~"Occupants"~~ "Occupant" means the driver and passengers in a motor a person in a passenger
20 vehicle.

21 (5) "Passenger vehicle" means a motor vehicle, designed for transporting no more than 10 people,
22 including the driver, that is originally equipped with seatbelts that conform to federal motor vehicle safety
23 standards, as evidenced by the manufacturer's certificate affixed to the door of the vehicle.

24 (6) "Properly restrained" means the correct use and position of a seatbelt or THE APPROPRIATE USE OF A
25 child safety restraint, as prescribed by the manufacturer of the product and as is appropriate for the age, weight,
26 and height of a minor child.

27 (5)(7) "Seatbelt" means a system using a lap belt, a shoulder belt, or other belt or combination of belts
28 installed in a motor vehicle to restrain occupants, which system conforms to federal motor vehicle safety
29 standards."

1 **Section 5.** Section 61-13-103, MCA, is amended to read:

2 **"61-13-103. ~~Seatbelt use~~ Proper restraint required -- exceptions.** (1) ~~A~~ Unless an occupant is
3 exempted under subsection (2), a driver may not operate a ~~motor~~ passenger vehicle upon a highway of the state
4 of Montana unless each occupant of a ~~designated seating position is wearing a properly adjusted and fastened~~
5 ~~seatbelt or, if 61-9-420 applies, the vehicle is properly restrained in a child safety restraint.~~

6 (2) The provisions of this section do not apply to:

7 (a) an occupant of a ~~motor~~ passenger vehicle who possesses a written statement from a licensed
8 physician, licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, certifying
9 that the occupant is unable to ~~wear a seatbelt~~ be properly restrained for medical reasons;

10 (b) an occupant of a ~~motor~~ passenger vehicle in which all seatbelts are being used by other occupants;

11 (c) an operator of a motorcycle or a motor-driven cycle;

12 (d) an occupant of a vehicle licensed as special mobile equipment; or

13 (e) an occupant who makes frequent stops with a ~~motor~~ passenger vehicle during official job duties and
14 who may be exempted by the department.

15 (3) The department may adopt rules to implement subsection (2)(e).

16 ~~(4) The department or its agent may not require a driver who may be in violation of this section to stop~~
17 ~~except upon reasonable cause to believe that the driver has violated another traffic regulation or that the driver's~~
18 ~~vehicle is unsafe or not equipped as required by law."~~

19
20 **Section 6.** Section 61-13-105, MCA, is amended to read:

21 **"61-13-105. Education program.** ~~The highway traffic safety division of the department shall continue~~
22 ~~its~~ provide a program for public information and education concerning the benefits of wearing being properly
23 restrained by seatbelts and child safety restraints and the proper use of seatbelts and appropriate use of child
24 safety restraints. ~~The department shall include within such in the~~ program the requirements of 61-13-103 and the
25 penalty specified in 61-13-104."

26
27 **NEW SECTION. Section 7. Repealer.** Sections 61-9-419, 61-9-420, 61-9-421, 61-9-422, and 61-9-423,
28 MCA, are repealed.

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30 **NEW SECTION. Section 8. Effective date.** [This act] is effective on passage and approval.

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